

REMARKS

By the above actions, the specification and all of the claims, including those withdrawn from consideration based upon applicant's election, have been amended. In view of these actions and the following remarks, reconsideration of this application is requested.

With regard to the objection to claim 17, this claim has been amended in conformance with the manner in which it was interpreted by the Examiner. Thus, this objection should now be withdrawn.

Claims 12, 13, & 21 were rejected under 35 USC § 112 as being indefinite due to the use of such terms as "for example," "such as" and "optionally." All of these terms have now been removed from these claims as well as from withdrawn, non-elected claims 15 & 18. Therefore, this rejection is now requested to be withdrawn.

All of the claims to the elected invention were rejected under 35 USC § 103 based upon the combined teachings of the Ellero et al. and Takagi et al. patents (hereafter, Ellero and Takagi), either by themselves or in further combination with Castillo or Shen. Reconsideration of these rejections is requested for the following reasons.

The present invention provides an arrangement for linearly moving a loudspeaker, and optionally an acoustic lens, from the first non-exposed position to a second exposed position while maintaining the overall height of the loudspeaker assembly as a shallow construction using mechanical constructions that are relatively simple to manufacture also are very reliable. Furthermore, a closure member is provided that is either integral with the loudspeaker assembly or of the acoustic lens for covering the loudspeaker in its first position, and further means are provided so that the loudspeaker and/or the acoustic lens may be rotated around the axis of movement, with further means being provided for tilting the loudspeaker and/or the acoustic lens around a second axis that is perpendicular to the axis of movement.

The Ellero patent discloses a retractable speaker that pivots from the closed position shown in Figs. 1d, 2a, 3a, 4a, 5a, 6a, 7b, 8b to the exposed position shown in Figs. 1a, 2b, 4b, 5b, 6b, 7b, 8b or in the case of the embodiment shown in Figs. 9a, 9b, moves linearly. However, in the embodiment shown in Figs. 9a, 9b, an openable cover is only provided for the speaker but not the lighting means that moves with it (shown to the left of the speaker and

referred to by numeral 40 in the specification, a reference number evidently omitted from the drawings by mistake) and this cover panel 20 is not connected to the movable speaker assembly nor can it be since it is pivotably connected to the enclosure and is opened by engagement with it of the ratchet mechanism 38 of the speaker assembly. Additionally, as recognized by the Examiner, Ellero does not teach a reflector or acoustic lens connected to his speaker.

On page 4, of the Official Action, last paragraph, the Examiner combines two distinct and separate embodiments of the Takagi reference in order to illustrate that the closure member, number 25 in Figure 8, is used to close the aperture after the acoustic lens has been retracted. However, as is evident from the Takagi patent, see, in particular, Figures 2-4, that the closure member is a hatch provided in the dashboard. By opening the hatch the loudspeaker is exposed and the underside of the hatch indicated by reference number 25, and particularly as illustrated in Figures 3 & 4, acts as a reflector reflecting the emitted sound from the loudspeaker unit 22 from the underside of the hatch in directions that depend on the angle of the hatch relative to the dashboard as indicated by the arrows. Such an arrangement is not and cannot have the cover member 2 either integral with the loudspeaker assembly or an integral part of the acoustic lens. Furthermore, the speaker in the embodiment of Figs. 2-4 does not move, merely sitting on supporting hooks, nor can it be linearly raised since the cover member/reflector 25 never clears the opening in the dashboard because of its hinging to the periphery of the opening.

In contrast, the embodiment relating to the acoustic lens is discussed with reference to Figures 5 through 10 has no movable cover at all, but rather merely directs the sound through openings 25X “which face the front seat.” In this case, instead of an openable cover member serving as a reflector 25 is fixed extending over the opening 25X so as to reflect the sound against the windshield Fs. Here again, the speaker is fixed and cannot be linearly raised since the reflector 25 never clears the opening in the dashboard.

None of Takagi’s embodiments have a closure member that is integral with the speaker or an acoustic lens connected to the speaker, nor do they have linearly movable speakers. Furthermore, a cover as shown in the embodiment of Figs. 2-4 cannot be used with the embodiment of Figs. 5-10 since the embodiment of Figs. 5-10 requires a reflector fixed

above the dashboard opening, while in the embodiment of Figs. 2-4, the closure member serves as the reflector and is pivotably mounted at the periphery of the opening of the dashboard and is separate from the speaker assembly as is the case for cover panel 20 of the embodiment of Figs. 9a, 9b of Ellero.

Therefore, even if it were possible to combine the two distinct and independent embodiments of the Takagi reference, the result would be a construction that is fundamentally different from the present invention as disclosed and claimed here and as taught by Ellero.

With regard to the Examiner's comment that it would be obvious to apply the teaching of an acoustic lens as taught by Takagi on a retractable speaker assembly as taught by Ellero, on the one hand, such would not provide a teaching to provide a closure member that is integral with the speaker or an acoustic lens connected therewith, and on the other hand, the reflector (acoustic lens) teachings of Takagi are incompatible with a movable speaker arrangement as taught by Ellero. That is, for a reflector fixed over a speaker opening to be used as is the case of the embodiment of Figs. 5-10 of Takagi, the speaker of the Ellero patent would have to be fixed, not movable. On the other hand, if a pivotable reflector were to be used as taught for the embodiment of Figs. 2-4 of the Takagi patent, it could not be connected to the speaker, and again, the speaker would have to be fixed.

Thus, no combination of the Ellero and Takagi patents could lead to the present invention.

The Castillo reference only discloses ordinary loudspeakers that are pivotably movable as the case for the embodiments of Figs. 1-8 of Ellero, and does not suggest that the closure member is integral with the loudspeaker, but rather is cover 15 is hinged in a manner comparable to the mounting of reflector 25 of Takagi. Thus, even with further consideration of Castillo, one of ordinary skill is brought no closer to the present invention which remains unobvious for the reasons already indicated.

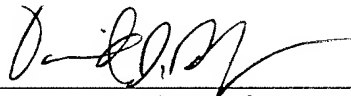
The Shen patent is merely relied upon for its teaching with regard to the use of pressure sensors. However, since this reference contains no disclosure with regard to any of the features indicated above to distinguish the present invention from Ellero, Takagi and Castillo, the combination of the Shen patent with these three patents cannot do anything to

make up for the inability of these three patent to lead one of ordinary skill to the presently claimed invention no matter how they might be viewed in combination with each other.

Therefore, for all of the above reasons, the presently claimed invention is novel and unobvious for the disclosures of the cited references. Accordingly, withdrawal of all of the outstanding rejections under § 103 is in order and is hereby requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole P.C.
P.O. Box 10064
McLean, VA 22102

Telephone: (703) 584-3273

DSS:kmm